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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,549	02/08/2006	Mitsutoshi Shinkai	SON-3073	2507
23353 7590 11/30/2009 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036			EXAMINER ZHAO, DAQUAN	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 11/30/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/567,549

**Applicant(s)**

SHINKAI ET AL.

**Examiner**

DAQUAN ZHAO

**Art Unit**

2621

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6 and 8-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 and 8-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed 8/25/2009 have been fully considered but they are not persuasive.
2. Applicant argues, see pages 8-9 of the remark, Abe et al fail to teach "...status information indicating a type of change pattern of a value of the first position information as to each frame of the video data..." The examiner disagrees.
3. Abe et al teach, see column 1, line 55- column 2, line 6, teach a File Time Code, FTC, is set to start at zero as recording start time and every time a frame of the audio/video signal to be recorded changes, the value of the time code sequentially counted up will be used. The server can read out the frame, from memory, based on the FTC. The invention of Abe et al creates a management table, figures 4 and figure 6, column 12, line 64- column 13, line 25, shows the relationship between record time code(STC, FTC) the real time code VITC. Therefore, when user request to playback a frame specified by the VITC time code, the server can refer to the management table of figure 6 to read out the corresponding frame in the file of memory using the recording time code (STC, FTC). Also see column 16, line 56- column 17, line 14.
4. Applicant also argues, see page 9 of the remark, Abe et al fail to teach identifying means identifies the second position information by referring to the table information. The examiner disagrees.

Abe et al teach, see column 1, line 55- column 2, line 6, teach a File Time Code, FTC, is set to start at zero as recording start time and every time a frame of the

audio/video signal to be recorded changes, the value of the time code sequentially counted up will be used. The server can read out the frame, from memory, based on the FTC. The invention of Abe et al creates a management table, figures 4 and figure 6, column 12, line 64- column 13, line 25, shows the relationship between record time code(STC, FTC) the real time code VITC. Therefore, when user request to playback a frame specified by the VITC time code, the server can refer to the management table of figure 6 to read out the corresponding frame in the file of memory using the recording time code (STC, FTC). Also see column 16, line 56- column 17, line 14. In the management table of figure 16, the VITC time code corresponding to the claimed "absolute position" because it is real time code, and the FTC corresponding to the claimed relative position because the FTC start from "00:00:00:00" and counted up sequentially on a frame by frame basis.

### ***Specification***

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification does not provide proper antecedent basis for the term, "computer readable medium", recited in claim 10.

### ***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim10 is rejected under 35 U.S.C. 101 because the claim is directed to nonstatutory subject matter.

For claim 10, the examiner treats the claimed "computer readable medium" as a signal, which is a nonstatutory subject matter.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-4, 6, 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Abe et al (US 6,134,378).

For claim 1, Abe et al teaches a playback apparatus for playing back video data, comprising:

an input acceptance processing unit which accepts a playback instruction indicating a playback frame (e.g. column 16, lines 27-39, editing device 42 accepting the click input to reproduce a frame).

a memory which stores table information including first position information, which is absolute position information as to each frame of the video data, second position information, which is associated with the first position information as to each frame of the video data and is relative position information of the video data and status information indicating a type of change pattern of a value of the first position information

as to each frame of the video data, so that a plurality of consecutive frames having same status information indicating a type of change pattern of a value of the first position information in the table information can be identified (e.g. Abe et al teach, see column 1, line 55- column 2, line 6, teach a File Time Code, FTC, is set to start at zero as recording start time and every time a frame of the audio/video signal to be recorded changes, the value of the time code sequentially counted up will be used. The server can read out the frame, from memory, based on the FTC. The invention of Abe et al creates a management table, figures 4 and figure 6, column 12, line 64- column 13, line 25, shows the relationship between record time code(STC, FTC) the real time code VITC. Therefore, when user request to playback a frame specified by the VITC time code, the server can refer to the management table of figure 6 to read out the corresponding frame in the file of memory using the recording time code (STC, FTC). Also see column 16, line 56- column 17, line 14. In the management table of figure 16, the VITC time code corresponding to the claimed "absolute position" because it is real time code, and the FTC corresponding to the claimed relative position because the FTC start from "00:00:00:00" and counted up sequentially on a frame by frame basis);

identifying means for identifying the second position information by referring to the table information (e.g. column 12, line 20- column 13, line 25, figure 4, VITC is added to the head of the data stream (SOM), Therefore the head frame must be identified by the VITC since one time code can only identified one video frame in the video art, column 7, lines 49-60 teach the VITC shows real time. The examiner considers the head frame identified by the VITC corresponds to the claimed "absolute

position", the "FTC" shows the relative position from the head frame, and the examiner considers the frame identified by the "FTC" to corresponds to the claimed "second position" ); and playback means for playing back the playback frame corresponding to the second position information identified by the identifying means (e.g. column 15, lines 1-32, figure 9, the VITC and the FTC are used during the reproduction procedure when the video is editing by user).

wherein the identifying means performs determination whether the first position information of the playback frame which is specified by the playback instruction exists in each status section which is grouped by the plurality of consecutive frames having the same status information, and identifies the second position information corresponding to the first position information of the playback frame which is specified by the playback instruction based on a result of the determination (e.g. figure 10, sp21, column 16, lines 13-27); and

playback means for playing back the playback frame corresponding to the second position information identified by the identifying means (e.g. column 16, lines 27-39, editing device 42 accepting the click input to reproduce a frame).

Claims 9-10 are rejected for the same reasons as discussed in claim 1 above.

For claim 2, Abe et al teach the first position information is a time code indicating an absolute position of the frame, using a real time (e.g. column 7, lines 49-60 teach the VITC shows real time. The examiner considers the head frame identified by the VITC corresponds to the claimed "absolute position").

For claim 3, Abe et al teach the first position information is a time code indicating an absolute position of the frame, using time information relative to a predetermined time (e.g. column 7, lines 49-60 teach the VITC shows real time. The examiner considers the head frame identified by the VITC corresponds to the claimed "absolute position" and the "real time" corresponds to the claimed "predetermined time").

For claim 4, Abe et al teach the second position information is a time code indicating a relative position of the frame, using a frame number indicating the number of frames counted from the starting frame of the video data (e.g. column 15, lines 16-32, the "stamped picture", which is scaled down display of the frame video, of plural number of frames corresponds to the "indicating the number of frames counted from the starting frame of the video data").

For claim 6, Abe et al teach each element of the table information includes status information indicating a type of change pattern of a value of the first position information as to a frame after the change point (e.g. column 15, lines 16-32, "date of photo shooting, the model name, serial number, cassette number and location of photo shooting" corresponds to the claimed "indicating a type of change pattern of a value").

For claim 8, Abe et al teach the identifying means performs the determination in turn for consecutive status sections in a direction that increases the second position information if a value of the first position information of the playback instruction is larger than a value of the first position information as to a frame that is currently played back, and the identifying means performs the determination in turn for consecutive status sections in a direction that decreases the second position information if a value of the



first position information of the playback instruction is smaller than a value of the first position information as to a frame that is currently played back (e.g. figure 9, the slider bar, which is element 801, and element of 80c in figure 9, gives the user options to fast forward and rewind from the current position of the video stream by looking at the time code 80C to go to the section of video he/she wants to see during the editing process).

For claim 11, Abe et al teach wherein the identifying means performs the determination only when the status of the plurality of consecutive frame is increment (e.g. column 1, line 56- column 2, line 6, the value of time code sequentially count up).

There's no new ground(s) of rejections. Accordingly, THIS ACTION IS MADE FINAL. See MPEG § 706.07 (a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136 (a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing data of this action. In the event a first reply is filed within TWO MONTHS of the mailing data of this action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period. Then the shortened statutory period will expire on the data the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing data of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the data of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daquan Zhao/  
Examiner, Art Unit 2621

/Thai Tran/  
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